

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 5, line 13, delete "a registered professional engineer" and
- 2 insert "**the department's designee**".
- 3 Page 5, line 14, after "satisfactorily." insert "**However, if the local**
- 4 **health department does not issue a certificate indicating that the**
- 5 **septic system is functioning satisfactorily, the condition set forth in**
- 6 **this subdivision is met if the property owner, at the property**
- 7 **owner's own expense, has the septic system reinspected by an**
- 8 **individual registered as a professional engineer under IC 25-31,**
- 9 **and the registered professional engineer issues certification that**
- 10 **the septic system is functioning satisfactorily.**".
- 11 Page 5, line 22, delete "sixty (60)" and insert "**thirty (30)**".
- 12 Page 5, line 23, delete "section 2(8) of this chapter" and insert
- 13 "**subsection (g)**".

1 Page 6, between lines 23 and 24, begin a new paragraph and insert:

2 **"(g) A district that has filed plans with the department to create**
 3 **or expand a sewage district shall, within ten (10) days after filing**
 4 **the plans, provide written notice to affected property owners:**

5 **(1) that the property owner may be required to discontinue**
 6 **the use of a septic system;**

7 **(2) that the property owner may qualify for an exemption**
 8 **from the requirement to discontinue the use of the septic**
 9 **system; and**

10 **(3) of the procedures to claim an exemption."**

11 Page 6, line 27, delete ""county executive"" and insert **""district**
 12 **authority""**.

13 Page 6, line 28, after "(1) county, the" delete "county" and insert
 14 **"elected officials who are authorized to appoint the members of the**
 15 **board of trustees of the district under IC 13-26-4-3."**

16 Page 6, delete line 29.

17 Page 6, between lines 33 and 34, begin a new line block indented
 18 and insert:

19 **"(3) If the district is located in one (1) county and:**

20 **(A) the authorities authorized to appoint the members of**
 21 **the board of trustees of the district do not include an**
 22 **elected official; or**

23 **(B) the members of the board of trustees of the district are**
 24 **elected by the voters under IC 13-26-4-2 instead of being**
 25 **appointed;**

26 **the county executive of that county.**

27 **However, a person who serves on the board of trustees of a district**
 28 **may not be a member of the district authority."**

29 Page 6, line 34, delete "establishing increased" and insert
 30 **"increasing sewer"**.

31 Page 6, line 36, after "year" insert ",".

32 Page 6, line 36, delete "on" and insert **"from the date of the**
 33 **district's last rate increase before"**.

34 Page 6, line 37, delete "a freeholder in the district" and insert **"fifty**
 35 **(50) freeholders of the district or ten percent (10%) of the district's**
 36 **freeholders, whichever is fewer,"**.

37 Page 6, line 40, after "of" delete "the" and insert **"each"**.

38 Page 6, line 41, delete "the county executive" and insert **"a member**

1 **of the district authority".**

2 Page 6, line 41, after "where" delete "the" and insert "**at least one**
3 **(1)**".

4 Page 6, line 42, delete "five (5) business" and insert "thirty (30)".

5 Page 7, line 5, delete "county executive" and insert "**district**
6 **authority**".

7 Page 7, line 7, delete "county" and insert "**district authority**".

8 Page 7, line 8, delete "executive".

9 Page 7, line 10, delete "county executive" and insert "**district**
10 **authority**".

11 Page 7, line 12, delete "county executive" and insert "**district**
12 **authority**".

13 Page 7, line 14, delete "the largest" and insert "a".

14 Page 7, line 16, delete "county executive" and insert "**district**
15 **authority**".

16 Page 7, line 17, after "produced" insert "**and determine whether**
17 **the increased sewer rates and charges established by the board by**
18 **ordinance are just and equitable rates and charges, according to**
19 **the standards set forth in IC 13-26-11-9**".

20 Page 7, line 17, delete "county executive" and insert "**district**
21 **authority**".

22 Page 7, line 22, before "The" begin a new paragraph and insert:
23 **"(f)**".

24 Page 7, line 22, delete "county executive is final and conclusive
25 upon all" and insert "**district authority may be appealed by the**
26 **district or a petitioner to the circuit court of the county in which**
27 **the district is located. The court shall try the appeal without a jury**
28 **and shall determine one (1) or both of the following:**

29 **(1) Whether the board of trustees of the district, in adopting**
30 **the ordinance increasing sewer rates and charges, followed**
31 **the procedure required by this chapter.**

32 **(2) Whether the increased sewer rates and charges established**
33 **by the board by ordinance are just and equitable rates and**
34 **charges, according to the standards set forth in IC 13-26-11-9.**

35 **Either party may appeal the circuit court's decision in the same**
36 **manner that other civil cases may be appealed."**

37 Page 7, delete line 23.

38 Page 7, after line 23, begin a new paragraph and insert:

1 "SECTION 4. [EFFECTIVE JULY 1, 2001] (a) **This SECTION**
2 **does not apply to a county having a population of more than**
3 **twenty-three thousand six hundred fifty (23,650) but less than**
4 **twenty-three thousand seven hundred (23,700).**
5 **(b) IC 13-26-5-2.5 and IC 13-26-11-15, both as added by this act,**
6 **do not apply to a regional sewage district established under:**
7 **(1) IC 13-26;**
8 **(2) IC 13-3-2 (before its repeal on July 1, 1996); or**
9 **(3) IC 19-3-1.1 (before its repeal on April 1, 1980);**
10 **if the regional sewage district began construction or received final**
11 **bids on construction during 2001.**
12 **(c) This SECTION expires July 1, 2002."**
 (Reference is to HB 1342 as introduced.)

and when so amended that said bill do pass.

Representative Lytle